IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 14272 of 2005

Between:

V. Vijayapanduranga S/o Late Venkataramana Rao
R/o Eluru, West Godavri District

..... PETITIONER

AND

1 The Commissioner and Registrar of Co-operative Societies, Andhra Pradesh, Hyderabad
2 The District Co-operative Officer, Eluru, West Godavari District
3 The General Manager, District Co-operative Central Bank Ltd., Eluru, West Godavari District
4 The Person-in-Charge, Galayagudem, Largesized Co-operative Society Ltd., Galayagudem, West Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ order or direction declaring the proceedings of the 2nd respondent in L.Dis (Co-op) No 1763/04/61 dt 18-7-2004 as illegal, arbitrary and unconstitutional and issue consequential direction to the respondents to consider the case for appointment on compassionate grounds on the basis of the circulars in vogue and appoint me in any suitable post with all consequential benefits.

Counsel for the Petitioner:SMT.M.S.TIRUMALA RANI

Counsel for the Respondent Nos.1 & 2: GP FOR COOPERATION

Counsel for respondent No.3: K.Chidambaram

The Court made the following :

O R D E R:

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1) This writ petition is filed by the petitioner aggrieved by the action of 2nd respondent in rejecting the claim of the petitioner for being considered for

appointment on compassionate grounds, on the ground that there is a ban imposed by 1st respondent-Society with reference to the compassionate appointments.

2) According to the petitioner, his father who worked as Cadre Secretary died on 02.05.2004 while he was in service. The petitioner as one of the dependants of the deceased employee of 4th respondent Society made an application for being appointed on compassionate grounds. It is also submitted by the petitioner that he completed S.S.C. and also completed I.T.I. with refrigeration & Air-Conditioning Trade. The petitioner also completed first year B.A. Degree through correspondence course and now studying II Year B.A.Degree. In view of the financial difficulties faced by the petitioner and his other family members, he approached the authorities for being considered for appointment on compassionate grounds. It is stated that the petitioner's claim was recommended by 3rd respondent to 2nd respondent, but, however, 2nd respondent instead of granting approval for being appointed, rejected the same on the ground that ban orders were passed by 1st respondent. Now the grievance of the petitioner is that subsequent to the impugned order passed by 2nd respondent, on the representations made by the members of the Societies, 1st respondent issued proceedings dated 23.10.2004 by partially lifting the ban. Therefore, sought for setting aside the impugned order with a direction to 2nd respondent to consider the case of the petitioner in the light of the proceedings, dated 23.10.2004 of 1st respondent.

3) Heard the learned counsel for the petitioner and the learned counsel appearing for 2nd respondent.

4) Impugned orders were passed by 2nd respondent in view of the ban imposed by 1st respondent though there was ban in existence on the date of the impugned order, but within a period of three months, the ban was lifted insofar as

compassionate appointments are concerned and proceedings were issued on 23.10.2004. In the light of lifting of the ban on compassionate appointments of the dependants, the respondents are directed to consider the case of the petitioner for appointment in the light of the recommendations of 3rd respondent to 2nd respondent. Accordingly the impugned order is set aside and the 2nd respondent is directed to reconsider the claim of the petitioner in the light of the proceedings of respondent No.1 dated 23.10.2004 and pass orders expeditiously within a period of eight weeks from the date of receipt of A copy of this order.

The writ petition is accordingly disposed of. No costs.

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S.ANANDA REDDY J.,

Dt. 04.07.2005

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To

1 The Commissioner and Registrar of Co-operative Societies, Andhra Pradesh, Hyderabad
2 The District Co-operative Officer, Eluru, West Godavari District
3 The General Manager, District Co-operative Central Bank Ltd., Eluru, West Godavari District
4 The Person-in-Charge, Galayagudem, Largesized Co-operative Society Ltd., Galayagudem, West Godavari District

5 2 C.Cs to the G.O. for Co-operation, High Court of A.P., Hyderabad (OUT)

6 2 CD copies

7 1 CC to SMT.TIRUMALA RANI

8 1 CC to MR.CHIDAMBARAM